

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



UNITED STATES OF AMERICA,

v.

23-CR-77 (JLS) (MJR)

JAMES WALKER,

Defendant.

DECISION AND ORDER

Defendant James Walker is charged in a three-count indictment with:

(1) conspiracy to possess with intent to distribute, and to distribute, five kilograms or more of a mixture and substance containing cocaine; (2) possession of five kilograms or more of a mixture and substance containing cocaine with intent to distribute; and (3) money laundering conspiracy. *See* Dkt. 1. United States Magistrate Judge Michael J. Roemer was designated to hear and determine, and report and recommend on, all pre-trial proceedings under 28 U.S.C. §§ 636(b)(1)(A) and (B). Dkt. 3.

Walker filed several dispositive motions, including to dismiss the indictment, to suppress statements, and to suppress evidence. *See* Dkt. 15. He also filed several non-dispositive motions related to discovery. *See id.* The Government responded in opposition. Dkt. 16. Walker did not reply. Judge Roemer held oral argument on January 9, 2024, and on March 6, 2024,¹ issued a Report, Recommendation, and Order (“R&R”), recommending that this Court deny Walker’s dispositive motions, and

¹ Judge Roemer gave Walker an opportunity to file supplemental briefing, but he did not do so. *See* Dkt. 18.

denying Walker's non-dispositive motions. *See* Dkt. 19. Neither Walker nor the Government objected to the R&R, and the time to do so has expired. *See* 28 U.S.C. § 636(b)(1); Fed. R. Crim. P. 59(b)(2).²

A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Crim. P. 59(b)(3). A district court must conduct a *de novo* review of those portions of a magistrate judge's recommendation to which a party objects. 28 U.S.C. § 636(b)(1); Fed. R. Crim. P. 59(b)(3). But a district court need not review the recommendation of a magistrate judge to which no objections are raised. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985).

Though not required to do so here, this Court nevertheless reviewed Judge Roemer's R&R and the relevant record. Based on that review, and absent any objections, the Court accepts and adopts Judge Roemer's recommendation to deny Walker's motion. As a result, the Court DENIES Walker's motion to dismiss the indictment and motions to suppress statements and evidence (Dkt. 15).

SO ORDERED.

Dated: July 11, 2024
Buffalo, New York



JOHN L. SINATRA, JR.
UNITED STATES DISTRICT JUDGE

² Walker sought two extensions of time to file objections, which this Court granted, resulting in a July 8, 2024 deadline to file objections. *See* Dkt. 21; Dkt. 23.